

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office FEB 09 1989

Returned to applicant for correction.....

Corrected application filed.....

Map filed DEC 08 1981 under 44248

The applicant FOOTE MINERAL COMPANY

....., of Silver Peak,
Street and No. or P.O. Box No. City or Town

Nevada 89047, hereby make S application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated in the State of Pennsylvania on September 30, 1964.

1. The source of the proposed appropriation is underground
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 2.0 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....

3. The water to be used for quasi-municipal and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.....

(b) Stockwater, state number and kinds of animals to be watered.....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28,
Describe as being within a 40-acre subdivision of public
Township 2 South, Range 39 East, MDB&M, at a point from which the NE corner of
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
said Section 28 bears North 45°13' East a distance of 3,168 feet.

6. Place of use within the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Township 2 South,
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
Range 39 East.

7. Use will begin about January 1st and end about December 31st, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Well is already drilled, equipped with pump
State manner in which water is to be diverted, i.e. diversion structure, ditches and
and motor and distribution system to the Town of Silver Peak.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$10,000

10. Estimated time required to construct works.....Completed.
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use.....Ten years.

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This is the same source as is Permit 44248. Use map on file in support of
Permit 44248. This water will be utilized for future expansion of the Town
of Silver Peak.

By s/Ross E. de Lipkau
Ross E. de Lipkau
P. O. Box 2790, Reno, Nv 89505
 Compared bk/jjs cl/cmg
 Protested.....

APPROVAL
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 44248, 49805 and 52917 shall not exceed 13.62 million gallons annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 7.047 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before May 1, 1997

Proof of completion of work shall be filed on or before June 1, 1997

Application of water to beneficial use shall be made on or before May 1, 1998

Proof of the application of water to beneficial use shall be filed on or before June 1, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JUL 17 1996

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 25th day of April,

A.D. 19 96

R. Michael Turnipseed P.E.
 State Engineer